IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 30967 of 2007(J)

PETITIONER:

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1. PRASANTH S.,
   SHANMUKAVILASAM, ELAVOOR, PALLIMON P.O., KOLLAM.

2. ANILKUMAR K.,
   AMBANATTU KIZHAKKETHIL, VENGA P.O.,
   MYNAGAPPALLY, KOLLAM DISTRICT.

3. SREEJITH CHNDRAN,
   "SREENIVAS", KARINGANNOOR P.O., KOLLAM DISTRICT.

4. SHILLY GEORGE,
   PERUMPATHARA HOUSE, NADAVAYAL P.O., WAYANAD.

5. SIJU M.N.,
   MADAYIL HOUSE, POOTHADI P.O., KENICHIRA,WAYANAD.

6. THANOOJ N.,
   NATEMMEL HOUSE, TUNERI P.O., NADAPURAM (VIA),
   KOZHIKODE DISTRICT.

7. SHAIJITH M.,
   "SREEPURAM" HOUSE, ELLUMANNA P.O.,
   MANANTHAVADY, WAYANAD.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

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1. THE DIRECTOR,
   SCHEDULED TRIBE DEVELOPMENT DEPARTMENT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
   KERALA PUBLIC SERVICE COMMISSION, WAYANAD.

3. THE PUBLIC SERVICE COMMISSION,
   REPRESENTED BY ITS SECRETARY, PATTOM,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).30967/2007

Dated this the 5th day of December, 2007

JUDGMENT

Petitioners are included in Ext.P1 rank list published by the PSC in relation to the post of Lower Division Clerk in Wayanad District. They contend that the Government, as per notification dated 15.5.2007, declared the post of Warden as equivalent to that of Clerical Cadre. It is contended that there are sufficient number of vacancies in the post of Warden in Wayanad District and, therefore, the said vacancies should also be reported to the PSC.

2. First respondent has filed a statement, as directed by this Court, pointing out the following aspects:

> "It is submitted that under the Tribal Department about 46 post of Warden are lying vacant and out of this 18 posts of Warden exists in Wayanad District. It is submitted that there is no vacancy in the post of Lower Division Clerk in Wayanad District. As already stated in view of the judgment referred above rank holders from

> Ext.P1 rank list cannot be advised and appointed as Warden. However, keeping the vacancies of Warden unfilled is detrimental to the interest of the department. Therefore, considering the fact that the post of Warden is an addition to the cadre of Clerks, this respondent craves leave of this Honourable Court to report the aforesaid 18 vacancies of the Warden which are additional post in the cadre of Clerks in the Department as per the Special Rules, to the second respondent and to post candidates advised by the second respondent from Ext.P1 list as Warden against the aforesaid 18 vacancies of Warden which are now lying vacant."

3. In the circumstances, writ petition is disposed of directing the first respondent to report 18 vacancies in the post of Warden to the second respondent without further delay at any rate, on or before 24.12.2007 in the prescribed proforma.

V.GIRI,
Judge

mrcs